

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAL S. MCCLAMMA, JR.,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:05-CV-482-T
)	
SCOTT A. MIDDLEBROOKS, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

The respondents filed an answer and supporting evidentiary materials addressing the claims presented in the petition for habeas corpus relief in which they contend that the petition for habeas corpus relief is due to be denied because the petitioner is entitled to no relief on the claim presented therein. The respondents further argue that the instant petition should be denied because McClamma has failed to exhaust administrative remedies available within the Bureau of Prisons.

Accordingly, it is

ORDERED that on or before August 15, 2005 the petitioner may file a response to the answer filed by the respondents. Any documents or evidence filed after this date will not be considered by the court except in exceptional circumstances. At any time after August 15, 2005 the court will determine whether an evidentiary hearing is necessary. If it appears that an evidentiary hearing is not required, the court will dispose of the petition as justice

requires. *Cf.* Rule 8(a), *Rules Governing Section 2254 Cases in the United States District Courts*.

The petitioner is instructed that when responding to the respondents' answer he may file sworn affidavits or other documents in support of his claims. Affidavits should set forth specific facts which demonstrate that the petitioner is entitled to relief on the grounds presented in the habeas corpus petition. If documents which have not previously been filed with the court are referred to in the affidavits, sworn or certified copies of those papers must be attached to the affidavits or served with them. When the petitioner attacks the respondents' answer by use of affidavits or other documents, the court will, at the appropriate time, consider whether to expand the record to include such materials. *Cf.* Rule 7, *Rules Governing Section 2254 Cases in the United States District Courts*.

The petitioner is specifically cautioned that if he fails to file a response to the answer within the time allowed by the court, the court thereafter will proceed to consider the merits of the petition.

Done this 15th day of July, 2005.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE